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west virginia department of environmental protection

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Environmental Enforcement – Water and Waste  
1159 Nick Rahall Greenway  
Fayetteville, WV 25840  
Phone: 304-574-4471

Austin Caperton, Cabinet Secretary  
dep.wv.gov

## COMPLAINT INVESTIGATION

Report type: Initial

**Complaint Received By:**

**Rick Adams**

**Date and Time:**

**3/09/2020**

**Name of Complainant:**

**Susan April**

**Address of Complainant:**

**Phone Number or Email of Complainant:**

**240-675-2385**

**Description of Complaint:**

Susan April (240-675-2385) called reporting a construction project with no known permit registration. It's a pipeline crossing the Opequon Creek off Slonaker Ln, Charles Town Road. She said it is over the 1acre limit.

On 3/11/2020 after inspection of site, received this email.

Travis—

Hope you can make it to that stream crossing area today to inspect the Mountaineer Gas Company land disturbance and stream crossing activities involving a natural gas pipeline replacement and upgrade (8 inch pipe to a 12 inch HPDE) in Berkeley County, WV. We have no one in the field today; these are photos from yesterday, early afternoon. I am also sending you, in a separate email, a map prepared by Mountaineer Gas Company (with my present markings in red) from the original 8 inch, low psi, pipe install in 1985. The start and endpoint lat/longs of the newly cleared and surveyed route are shown on that map, to help you determine the full extent of the intended work this season. I estimate the linear distance to be about 3 miles, and given a 20 foot width of install, would come to an LOD of 7.27 acres. Even at 1/2 the width (10 feet), it would be 3.64 acres. As I told you, and Rick Adams confirmed, there is NO DEP APPLICATION OR NOI FOR ANY CONSTRUCTION STORMWATER GENERAL PERMIT REGISTRATON FOR THIS ACTIVITY AND LOCATION. They seem to be proceeding as if it is not necessary. There are no signs. The sediment control fence went up just as the backhoe arrived. We would like you to determine their intent as far as the impending crossing and the obvious neglect to apply for an oil and gas construction stormwater permit.

Sincerely,

Susan April

Jefferson County Foundation

240-675-2385

**Date and Time Noted By Complainant:**

On going

**Location:**

Grapevine Road / Berkeley County Landfill

**Stream Affected, If Any:**

Opequon Creek

**Responsible Party and Address:**

Mountaineer Gas  
414 SUMMERS ST  
CHARLESTON WV 25301

**Investigated By:**

Travis Hays

**Phone Number of Responsible Party:**

304-347-0519

**Date Investigated:** 3/11/2020

**Time Investigated:** 0923

**Prepared By:**

Travis Hays, Environmental Inspector-in-Training

**Narrative (Description of investigation):**

Met with Reed Robison and Shane Haugh on site to discuss the complaint and perform a walk through. Found that there will be three separate projects in the immediate area.

**Findings (of Investigation):**

Grapevine Road:

One will be located on Grapevine Road and will be a repair/replace of gas line. This project will be about 274 yards (822 feet) with a work area attached and is under 1 acre in size.

Where they excavated at Opequon Creek was to locate and confirm that the pipeline was incased under Opequon Creek. There will be no excavation work under Opequon Creek at the current time. Mountaineer Gas understands that if the casing needs to be replaced, they will need to obtain a permit from WVDEP and Army Corps to move forward. They do have plans to open cut an UNT of Opequon Creek and that will be covered by NWP-12 permit from Army Corps. I did inspect the temporary bridge that was installed. It was not installed correctly. Pointed out the flaws and weak points so corrections could be made to bring the temporary bridge up to standards before they started using it. Found two sections of Silt Fence that were not installed correctly and had the crew fix them.

Salvation Road, second proposed project:

Second project will be from Needy Road and Salvation Road intersection down Salvation Road to the dam which is roughly 518 yards (1554 Feet). This section of line has been mowed with a forestry mulcher. They did not disturb the ground they only removed the woody vegetative material.

Salvation Road, third proposed project:

From dam on Salvation Road possible back to Opequon Creek may be conducted in the future. I was ensured that when this section is replaced, a NPDES permit will be obtained for the work on this section of line. At time of inspection the line was mowed with a forestry mulcher and only woody vegetative material was removed. The ground cover was still intact.

**Compliance Evaluation (Action Taken):**

It was brought to my attention that Jefferson County Foundation believe Mountaineer Gas is trying to work around the permitting process by “stringing out” contiguous work. I have requested a map from Mountaineer Gas showing all plan projects, color coded to year and priority of work needing to be completed. This will be passed on to my supervisor and permitting section to see if a common plan of development exists or not. At that time a decision will be made on if a NPDES permit needs to be obtained.

**Grapevine Road site.**



**Access road to start of gas line work.**



**Yellow makers are where gas pipeline work will start. There will be a small staging area in this location for materials.**

Revised September 1, 2011

ED\_004989\_00017068-00004



**Bridge was installed improperly. Informed them that it must be installed to DEP standards of geowrap temporary bridge with controls tied together.**



**Yellow marker is where gas pipeline valve set is located.  
The seeded and mulched area was excavated to see if a casing was installed under Opequon Creek.**

Revised September 1, 2011

ED\_004989\_00017068-00005



**Requested that all controls be conjoined according to manufacturer's specifications. This is the area that was excavated to see if a casing was installed under Opequon Creek.**



**No disturbance other than machinery tracking. Site is considered unstable once vegetative cover is below 70%, at the point controls will need to be installed.**

**Salvation Road, second proposed project:**





**Along Salvation road, a forestry mulcher was used to clear woody debris from gas pipeline and makers were reinstalled.**

**Salvation Road, third proposed project:**

Revised September 1, 2011

ED\_004989\_00017068-00007



**This future project will have a NPDES permit. This section was mowed with a forestry mulcher to removed woody debris from gas pipeline. Vegetative ground cover was undisturbed at time of inspection.**

Revised September 1, 2011

ED\_004989\_00017068-00008





**Red Line: Active work under 1 acre below Grapevine Road.**

**Green Line: Mowed along Salvation Road.**

**Blue Line: Proposed future work that will have a NPDES permit. (hand drawing in by assuming path)**